



February 25, 2011

NEW YORK MANDATORY PERSONAL INJURY PROTECTION CHANGES

- BACKGROUND** The New York Insurance Department recently issued Circular Letter No. 4 which outlines changes to the Personal Injury Protection Law with respect to intoxication.
- CHANGES**
- Prior to January 26, 2011, the law permitted personal injury exclusions to a person who was injured as a result of operating a motor vehicle while intoxicated or impaired by the use of a drug.
- Under the new law, first party benefits will no longer be able to be excluded to a person who was injured as a result of operating a motor vehicle while intoxicated or impaired by the use of a drug and who receives emergency health services in a general hospital, including ambulance services and related medical screening. However, if such person is convicted of operating a motor vehicle while intoxicated or impaired by the use of a drug, then there would be a cause of action for the amount of first party benefits that were paid or are payable on behalf of the covered person.
- We have included these changes in the forms.
- MSO ACTION** We have filed and received approval for Mandatory Endorsement • MCA 850 (01 11) and Additional Personal Injury Protection Endorsement • MCA 851 (01 11).
- EFFECTIVE DATE** March 1, 2011
- DISTRIBUTION** The updated forms will be added to the CD-ROM. Affiliated companies will be able to access this through our website: <http://www.msonet.com>.
- QUESTIONS** Contact Trish Riggio at (800) 935-6900.